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EXAMINER

NGUYEN, TOAN D

ART UNIT

PAPER NUMBER

2663

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/108,357

Applicant(s)

SUGATA ET AL.

Examiner

Toan D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-34 and 40 is/are allowed.
- 6) ☐ Claim(s) 1-3, 5, 7-9, 12, 13, 15, 16, 18-28, 30, 35-39, 41-45, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 10, 11, 14, 17, 29, 31 and 46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3, 5, 7-9, 18-19, 30 and 41 are rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. Patent Re. 35,104) in view of Sie et al. (U.S. Patent 5,534,941).

For claims 1, 5, 7-8 and 18-19, Murakami et al. disclose substrate multi-media data transmission system, comprising:

- a) encoding means for error detection or correction encoding information to be distributed in a description format used in a multimedia network (figure 1, col. 5 line 34),

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b) transmission means for multiplexing the information to be distributed encoded by said encoding means in a broadcast signal, and transmitting the multiplexed signal (figure 1, col. 5 lines 46-48).

However, Murakami et al. do not disclose said encoding means error detection or correction encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed. In an analogous art, Sie et al. disclose at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed (col. 8 lines 14-21 and col. 8 lines 33-34). One skilled in the art would have recognized such linking or "tagging" information in a header at the beginning of each packet (col. 8 lines 15-17) to use teaching of Sie et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the combined system for dynamic real-time television channel expansion as taught by Sie et al. in subrate multi-media data transmission system of Murakami et al.

For claims 2-3 and 9, Sie et al. disclose the broadcast signal is an FM audio signal, and said transmission means frequency-multiplexes the information to be distributed in a frequency band different from an FM-modulated audio signal (col. 3 lines 63-64 and col. 6 lines 5-9).

For claims 30 and 41, Sie et al. in view of Murakami et al. disclose further storage means for storing the information to be distributed, and informing means for informing that the received information to be distributed is stored in said storage means and has not been output to an external device (col. 6 lines 54-60).

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3. Claims 12, 20, 42-43 and 47-48 are rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. Patent Re. 35,104) in view of Acampora et al. (U.S. Patent 5,148,272).

For claims 12 and 20, Murakami et al disclose substrate multi-media data transmission system, comprising:

encoding means for error detection or correction encoding information to be distributed in a description format used in a multimedia network (figure 1, col. 5 line 34),

transmission means for multiplexing the information to be distributed encoded by said encoding means in a broadcast signal, and transmitting the multiplexed signal (figure 1, col. 5 lines 46-48).

Murakami et al do not disclose a plurality of kinds of information being able to be transmitted as an entity in the information to be distributed, and said encoding means using different error detection or correction ability in correspondence with the kind of information. In an analogous art, Acampora et al. disclose a plurality of kinds of information being able to be transmitted as an entity in the information to be distributed, and said encoding means using different error detection or correction ability in correspondence with the kind of information (col. 13 lines 40-43). One skilled in the art would have recognized such encoding means using different error detection or correction ability in correspondence with the kind of information because audio, auxiliary and video signal processing paths the error signal may be utilized in different ways to effect error concealment (col. 13 lines 47-49) to use teaching of Acampora et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the combined apparatus for recombining prioritized

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video data as taught by Acampora et al. in subrate multi-media data transmission system of Murakami et al.

For claims 42-43 and 47-48, Murakami et al. in view of Acampora et al. disclose information processing apparatus comprising:

- a) input means for inputting information data, and a check code for correcting an error of the information data (figure 1, col. 5 lines 32-44);
- b) detection means for detecting an error state of the information data (col. 6 lines 52-55); and
- d) control means for controlling processing for the information data input by said input means in accordance with outputs from said setting means and said detection means (col. 7 lines 15-22).

Acampora et al. in view of Murakami et al. disclose setting means for setting an allowable error state of the information data (col. 13 lines 47-68).

4. Claim 13 is rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. Patent Re. 35,104) in view of Acampora et al. (U.S. Patent 5,148,272) further view of Sie et al. (U.S. Patent 5,534,941).

For claim 13, Murakami et al. in view of Acampora et al. do not transmission means multiplexes the information to be distributed as an upper layer in a data format used for multiplexing another information in a description format, which is not used in the multimedia network, in FM audio signal. In an analogous art, Sie et al disclose FM audio signal (col. 3 lines 63-64 and col. 6 lines 5-9). One skilled in the art would have recognized FM audio signal to use teaching of Sie et al. in the system of Murakami et al. Therefore, it would have been obvious to

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one of ordinary skill in the art at the time invention, to use the combined system for dynamic real-time television channel expansion as taught by Sie et al. in subrate multi-media data transmission system of Murakami et al.

5. Claims 15-16, 21-28, 35-39, 41 and 44-45 are rejected under U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. Patent Re. 35,104) in view of Sie et al. (U.S. Patent 5,534,941) further in view of Acampora et al. (U.S. Patent 5,148,272).

For claims 15-16, 21 and 44-45, Murakami et al disclose subrate multi-media data transmission system, comprising:

a) input means for inputting information to be distributed in a description format used in a multimedia network (figure 1, col. 5 line 34); and

b) transmission means for multiplexing the information to be distributed in a broadcast signal and transmitting the multiplexed signal (figure 1, col. 5 lines 46-48),

Murakami et al. in view of Sie et al. do not disclose a header of the information to be distributed forming an error correction code different from the error correction code. In an analogous art, Acampora et al. disclose a header of the information to be distributed forming an error correction code different from the error correction code (col. 13 lines 39-43). One skilled in the art would have recognized a detector provides an error signal E indicating the presence or absence of errors in the transport block (col. 13 lines 32-34) to use teaching of Acampora et al. in the system of Murakami et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the combined apparatus for recombining prioritized video data as taught by Acampora et al. in subrate multi-media data transmission system of Murakami et al.

For claims 22-23, 35-39 and 41, Sie et al. in view of Murakami et al. disclose an information processing apparatus system comprising:

a) reception means for receiving a broadcast signal obtained by multiplexing information to be distributed in a description format used in a multimedia network and an error correction or detection check code added for at least partial information of the information to be distributed, as an entity of a data format which is used for multiplexing predetermined information in an FM audio signal and includes an error correction check code (col. 8 lines 26-33); and

b) Murakami et al. disclose processing means for performing error correction or detection processing of the information to be distributed using the error correction check code and the error correction or detection check code (figure 1, col. 5 lines 51-55).

However, Sie et al. in view of Murakami et al. do not disclose executing processing based on the error correction check code and processing based on the error correction or detection check code at different timings. In an analogous art, Acampora et al. disclose executing processing based on the error correction check code and processing based on the error correction or detection check code at different timings (col. 13 lines 37-43). One skilled in the art would have recognized a delay element provides a delay of one transport block interval to allow the detector to determine if any errors are present in the corresponding transport block (col. 13 lines 29-32) to use teaching of Acampora et al. in the system of Sie et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the combined apparatus for recombining prioritized video data as taught by Acampora et al. in system for dynamic real-time television channel expansion of Sie et al.



For claim 24, Sie et al. disclose the information to be distributed includes header information, and the at least partial information of the information to be distributed is the header information (col. 8 lines 14-21).

For claim 25, Sie et al. disclose at least partial information of the information to be distributed is the character information (col. 3 line 62).

For claims 26 and 27, Sie et al. disclose the predetermined information is character information in a description format which is not used in the multimedia network, and the xcharacter information and character information in the information to be distributed can be displayed using common display means (figure 3, col. 4 line 66 to col. 5 lines 1-2).

For claim 28, Sie et al. disclose storage means for storing the information to be distributed, and informing means for informing that the received information to be distributed is stored in said storage means and has not been output to an external device (col. 6 lines 54-60).

6. Claims 32-34, 40 are allowed.

*Allowable Subject Matter*

7. The following is an examiner's statement of reasons for allowance:

Regarding to claim 32, none of the available prior art teaches or suggests:

display means for displaying the first character information, said display means displaying second character information when the information to be distributed has the second character information, in the specific combination as recited in claim 32.

Regarding to claim 40, none of the available prior art teaches or suggests:

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Displaying second character information using display means for displaying the first character information when the information to be distributed has a second character information, in the specific combination as recited in claim 40.

### **Objection To Claims, Allowable Subject Matter**

8. Claims 4, 6, 10-11, 14, 17, 29, 31 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

9. Applicant's arguments filed on November 06, 2001 have been fully considered, but are moot in view of new ground(s) of rejection.

### ***Contact Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

T.N.

TN

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal line extending to the right.

HUY D. VU  
PRIMARY EXAMINER